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EXAMINER

TANG, KAREN C

ART UNIT PAPER NUMBER

2151

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/045,267		AGRAWAL ET AL.	
	Examiner		Art Unit	
	Karen C Tang		2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☒ Claim(s) 5 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

I. Claims 5 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because of the usage of "approximately".

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

II. Claims 1, 29, and 30 rejected under the judicially created doctrine of double patenting over claims 1, 3, 5, 6, 7, 8, 9, and 10 of U. S. Patent No. 6,795,709 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

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The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: US Patent (6,795,709) indicates 1) the system determines the total IP address pool. 2) Indicate the system predict a prediction of its total IP address pool and guard band to the IP address server. 3) Indicates the priority level of the IP address. 4) Indicates the handoff hosts and hand off host.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I. Claims 1, 2, 6, 7, 9, 10, 11, 13, 29, and 30 rejected under 35 U.S.C. 102(e) as being anticipated by Inoue (US 6,510,153).

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1. Referring to Claim 1, Inoue indicates a method for dynamically allocating Internet Protocol addresses for a wireless cell (refer to Title), comprising: determining a total Internet Protocol address pool for the wireless cell. (refer to Col 10, Lines 10-25, and Col 11., it is inherent that standard DHCP consists of DHCPDISCOVER function which discover all the IP address available among all the DHCP servers);
partitioning the Internet Protocol address pool into groups of address spaces for use with an associated user group within the wireless cell (refer to Col 2, Lines 5-15, Col 6, Lines 33-45);
monitoring IP address demands associated with the wireless cell (refer to Col 8, Lines 34-67 and Col 9, Lines 10-60 and Col 10, Lines 1-10);
distinguishing between time sensitive (finite leasing time, refer to Col 9, Lines 30-45) IP address demands and time insensitive IP address demands (infinite leasing time, refer to Col 10, Lines 5-10);
and updating the groups of address spaces using an IP server (Col 12 and Col 13 and Col 14).

2. The method of claim 1, Inoue indicates that wherein said step of determining a total Internet Protocol address pool (refer to Col 11, it is inherent that DHCPDISCOVER which discover all the IP address available among all the DHCP servers). Inoue indicates the analysis (refer to Col 14, Lines 33-67 and Col 15, Lines 1-55) allocation Internet Protocol address space for the associate user group (Home address group,

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refer to Col 2, Lines 5-15) within the wireless cell (refer to title and it is inherent that DHCP allocate Internet Protocol address for the user group).

3. Referring to Claim 6, Inoue discloses wherein the user group (Home Address, refer to Col 2, Lines 6-25) is one of a wireless handoff terminal (Mobile computer, refer to Col 2, Lines 7-25), a resident terminal and a wired terminal.

4. Referring to Claim 7, Inoue discloses utilizing at least one of: real-time data (message) including present network IP address demands associated with the wireless cell (refer to Col 3, Lines 1-20); non-real-time data including previous IP address demands associated with the wireless cell; call blocking parameters; quality of service and performance parameters', and third party data including third party ISP address allocation specifications, quality of service parameters or performance parameters.

5. Referring to Claim 9, Inoue discloses: classifying user groups within the cell into handoff hosts (Care of address) and dormant hosts (Fixed home address, refer to Col 2, Lines 20-25).

6. Referring to Claim 10, Inoue discloses DHCP (refer to Fig 9), it is inherent that when receive DHCP message, the option field within DHCP would be checked.

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7. Referring to Claim 11, Inoue discloses forwarding an IP address to a time sensitive host from a local time sensitive address pool in a wireless address agent (mobile computer 2, refer to Col 8, Lines 20-60), if the option field (it is inherent that DHCP consists of a option field, refer to Col 6, Lines 15-25) contains a predetermined byte-code (refer to Col 6, Lines 49-63).

8. Referring to Claim 13, Inoue discloses DHCP (refer to Fig 9), it is inherent that the option field is in a private option space in the DHCP message.

9. Referring to Claim 29, Inoue discloses a system for dynamically allocating Internet Protocol addresses for a wireless cell (refer to title, and it is inherent that DHCP allocate Internet Protocol address for the user group), comprising: an IP address server which determines a total Internet Protocol address pool for a wireless cell (refer to Col 10, Lines 10-25, and Col 11., it is inherent that standard DHCP consists of HCPDISCOVER function which discover all the IP address available among all the DHCP servers); and a partitioned address pool of groups off address spaces for use with an associated user group within the cell (refer to Col 2, Lines 5-15, Col 6, Lines 33-45); and a wireless IP address agent (HA, refer to Col 1, Lines 65-67, Col 2, Lines 1-10) residing in a wireless network;

wherein the wireless IP address agent handles requests for IP addresses from at least one of time sensitive (finite leasing time, refer to Col 9, Lines 30-45) and time insensitive

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(infinite leasing time, refer to Col 10, Lines 5-10) wireless terminals (mobile computers, refer to Col 1, Lines 50-60),

categorizes the wireless terminals as one of a time sensitive handoff host or a time sensitive resident host and a time in-sensitive handoff host or a time in-sensitive resident host (refer to Col 2, Lines 5-20, and Col 10, Lines 10-35)

and forwards the IP address associated with the time sensitive handoff host (Mobile computer 2, Col 9, Lines 10-67) or the time sensitive resident host to time sensitive terminals from a time sensitive address pool in the wireless IP address agent (home agent 5, refer to Col 7, Lines 60-65).

and forwards the IP address associated with the time in- sensitive (leasing time to be indefinite, refer to Col 10, Lines 10-50) handoff host or the time insensitive resident host to the IP address server

and wherein the server monitors IP address demands associated with the wireless cell (refer to Col 8, Lines 34-67 and Col 9, Lines 10-60 and Col 10, Lines 1-10),

and updates the groups off address spaces based on the IP address demands (Col 12 and Col 13 and Col 14).

10. Referring to Claim 30, Inoue discloses a system for dynamically allocating Internet Protocol addresses for a plurality of wireless cells (refer to title, and it is inherent that DHCP allocate Internet Protocol address for the user group), comprising: an IP address server which determines a total Internet Protocol address pool for each of a plurality of wireless cells (refer to Col 10, Lines 10-25, and Col 11., it is inherent that standard

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DHCP consists of HCPDISCOVER function which discover all the IP address available among all the DHCP servers)

and for each of a plurality of partitioned address pools of groups of address spaces for use with an associated user group within the cells (refer to Col 2, Lines 5-15, Col 6, Lines 33-45).

and a plurality of wireless IP address agents (manager, refer to Col 9, Lines 65-67, home agent 5, Col 10, Lines 34-47)residing in a wireless network (mobile computer 2 is within the wireless network, see Title);

wherein each of the wireless IP address agents (manager, refer to Col 9, Lines 60-67) handle requests for IP addresses from a plurality of time sensitive (finite leasing time, refer to Col 10, Lines 10-45) wireless terminals and time insensitive (leasing time from infinite, refer to Col 10, Lines 1-10) wireless terminals (computers, refer to Col 9, Lines 60-65),

categorizes each wireless terminal as one of a time sensitive handoff host or a time sensitive resident host and a time in-sensitive handoff host or a time in-sensitive resident host (refer to Col 2, Lines 5-20, and Col 10, Lines 10-35)

and forwards the IP address associated with the time sensitive handoff host (Mobile computer 2, Col 9, Lines 10-67) or the time sensitive resident host to time sensitive terminals from a time sensitive address pool in the wireless IP address agent (home agent 5, refer to Col 7, Lines 60-65).

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and forwards the IP address associated with the time in- sensitive (leasing time to be indefinite, refer to Col 10, Lines 10-50) handoff host or the time insensitive resident host to the IP address server

and wherein the plurality of servers monitor IP address demands associated with each of the plurality of wireless cells (refer to Col 8, Lines 34-67 and Col 9, Lines 10-60 and Col 10, Lines 1-10),,

and update the groups off address spaces based on the IP address demands (Col 12 and Col 13 and Col 14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

IV. Claims 3-5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al hereinafter Inoue (US 6,510,153) in view of Douglas E. Comer hereinafter Comer (INTERNET WORKING with TCP/IP Principles, Protocols, and Architectures).

1. Referring to Claim 3, Inoue indicates the analysis being performed (refer to Col 14, Lines 33-67 and Col 15, Lines 1-55)

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Inoue does not expressly indicate the analysis is using the moving weighted mean average.

Comer indicates moving weighted mean average (refer to Pg 237).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate moving weighted mean average function with their analysis.

The suggestion and motivation would have been that provide more accurate result/outcome for any random function such as selecting/allocating addresses.

2. Referring to Claim 4, Inoue indicates the analysis being performed (refer to Col 14, Lines 33-67 and Col 15, Lines 1-55). Inoue indicates the user group (refer to Col 2, Lines 1-25).

Comer wherein said moving weighted average comprises the steps of: recording an average number of requests from hosts in each user group; and computing an average number of total IP addresses over a suitable fixed period of time (definition of moving weighted mean average, refer to Pg 237).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate moving weighted mean average function with their analysis.

The suggestion and motivation would have been that provide more accurate result/outcome for any random function such as selecting/allocating addresses.

3. Referring to Claim 5, Inoue indicates wherein the suitable fixed period of time (refer to Col 10, Lines 50-67) is approximately 10 minutes.

4. Referring to Claim 14, Inoue discloses a byte code (refer to Col 6, Lines 49-64)

Inoue does not expressly disclose wherein the option field is a byte-code.

Comer discloses option field (refer to Pg 456-457) and usage of byte code within the option field (refer to Figure 23.7).

At the time of the invention, it would have been obvious to a person of ordinary skill to the art to indicate the byte code usage within the option field in DHCP.

The suggestion/motion for doing so would have been that byte code is computer language, by indicate the byte code in the message, it assists the computer to speed the process even faster.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

V. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al hereinafter Inoue (US 6,510,153) in view of Douglas E. Comer hereinafter Comer (INTERNET WORKING with TCP/IP Principles, Protocols, and Architectures) in further view of "Official Notice"

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1. Referring to Claim 15, Inoue does not expressly indicates the predetermined byte-code represents a decimal number in a range of 128-254.

Official Notice is taken that the limitations narrowed by this claim is consider obvious and furthermore a matter of design choice.

At the time of the invention, it would have been obvious to a person of ordinary skill to the art to indicate the range of the IP address

The suggest/motion for doing so would have been Inoue indicate the use of dynamically usage of IP address (refer to Title), and by choosing the IP addresses class range between B-E is because it is much more commercially recognized due to the cheaper cost of maintenance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

VI. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al hereinafter Inoue (US 6,510,153) in view of "Official Notice"

1. Referring to Claim 12, Inoue does not expressly indicates the predetermined byte-code represents a decimal number in a range of 128-254.

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Official Notice is taken that the limitations narrowed by this claim is consider obvious and furthermore a matter of design choice.

At the time of the invention, it would have been obvious to a person of ordinary skill to the art to indicate the range of the IP address

The suggest/motion for doing so would have been Inoue indicate the use of dynamically usage of IP address (refer to Title), and by choosing the IP addresses class range between B-E is because it is much more commercially recognized due to the cheaper cost of maintenance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

VII. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al hereinafter Inoue (US 6,510,153) in view of Ford et al hereinafter Ford (US 6,101,499).

1. Referring to Claim 8, Inoue discloses mobile host (mobile computer 2, refer to Col 8, Lines 5-20) requesting an IP address and discloses handoff mobile host (Care of Address) and resident mobile host (Home address, refer to Col 8, Lines 39-60). Inoue does not expressly indicate the priority to the hosts.

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Ford discloses priority to the host. (refer to Col 3, Lines 28-45)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to indicate the priority of the hosts. The suggestion/ motivation for doing so would have been that it would create the order among the communication system of who would have the privilege to receive IP addresses when the bottleneck occurs. It would reduce the delay time and provide the better environment for the users.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

VIII. Claims 16-19, 21, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al hereinafter Inoue (US 6,510,153) in view of Jiang (refer to US 6,857,018).

1. Referring to Claim 16, Inoue discloses dynamic address allocation in wireless system (refer to title) with appropriate the predictive analysis (refer to Col 9 - 15).

Inoue does not expressly indicate the guard bands.

Jiang discloses a guard bands that consists a minimum IP addresses requirement (refer to Col 6, Lines 20-30).

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine both arts. The suggestion/motivation for doing so would have been that the Inoue indicate the upper limit for the amount of IP addresses within the network (refer to Col 10, Lines 10-35). To set a minimum IP addresses available in the system could ensure that the IP addresses would always be available in the case of emergency.

2. Referring to Claim 17, Inoue discloses a method for dynamically allocating Internet Protocol addresses for a wireless cell (refer to title, and it is inherent that DHCP allocate Internet Protocol address for the user group), comprising: performing a predictive analysis (refer to Col 14, Lines 33-67 and Col 15, Lines 1-55) to allocate Internet Protocol address space for an associated user group within the cell (Home address group, refer to Col 2, Lines 5-15); partitioning the Internet protocol address space into groups of address spaces for use with an associated user group based on the predictive analysis (refer to Col 2, Lines 5-15, Col 6, Lines 33-45); distinguishing between time sensitive IP address (finite leasing time, refer to Col 9, Lines 30-45) demands and time insensitive (infinite leasing time, refer to Col 10, Lines 5-10) IP address demands, updating the Internet Protocol address space via an IP address server Col 12 and Col 13 and Col 14); and establishing guard bands for the device categories to ensure a minimum number of Internet protocol addresses are available for the device categories. Inoue does not expressly indicate the guard bands.

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Jiang discloses a guard bands that consists a minimum IP addresses requirement (refer to Col 6, Lines 20-30).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine both arts. The suggestion/motivation for doing so would have been that the Inoue indicate the upper limit for the amount of IP addresses within the network (refer to Col 10, Lines 10-35). To set a minimum IP addresses available in the system could ensure that the IP addresses would always be available in the case of emergency.

3. Referring to Claim 18, Inoue discloses usage of DHCP for dynamically allocate IP address in wireless condition (refer to abstract) wherein said determining step comprises the steps of: checking an option field within a DHCP request message (it is inherent that once the destination receive the DHCP message, it'd automatically check the optional message field.).

4. Referring to Claim 19, Inoue discloses forwarding an IP address to a time sensitive host from a local time sensitive address pool in a wireless address agent (mobile computer 2, refer to Col 8, Lines 20-60), if the option field (it is inherent that DHCP consists of a option field, refer to Col 6, Lines 15-25) contains a predetermined byte-code (refer to Col 6, Lines 49-63).

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5. Referring to Claim 21, Inoue discloses DHCP (refer to Fig 9), it is inherent that the option field is in a private option space in the DHCP message.

6. Referring to Claim 24, Inoue discloses wherein the device categories comprises at least one of wireless devices during handoff, (Mobile Computer, refer to Col 2, Lines 6-25) resident wireless devices and wired devices.

7. Referring to Claim 25, Inoue discloses a guard band base on the analysis (refer to Col 10, Lines 10-35)

Inoue does not disclose adjusting the guard bands.

Jiang discloses adjusting the guard bands (refer to Col 6, Lines 15-55)

At the time of the invention, it would have been to a person of ordinary skill in the art to indicate the adjusting the guard bands.

The suggestion/motivation for doing so would have been that by adjusting the guard bands depends on the amount of utilization of the IP address, it would free up a lot of spaces and speed up the processing within the system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

VIII. Claims 22, 23, 26, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al hereinafter Inoue (US 6,510,153) in view of Jiang (refer to US 6,857,018) in further view of Douglas E. Comer hereinafter Comer (INTERNET WORKING with TCP/IP Principles, Protocols, and Architectures) and "Official Notice".

1. Referring to Claim 22, Inoue discloses a byte code (refer to Col 6, Lines 49-64)

Inoue does not expressly disclose wherein the option field is a byte-code.

Comer discloses option field (refer to Pg 456-457) and usage of byte code within the option field (refer to Figure 23.7).

At the time of the invention, it would have been obvious to a person of ordinary skill to the art to indicate the byte code usage within the option field in DHCP.

The suggestion/motion for doing so would have been that byte code is computer language, by indicating the byte code in the message, it assists the computer to speed the process even faster.

2. The method of claim 22, Inoue does not expressly indicate the predetermined byte-code represents a decimal number in a range of 128-254.

Official Notice is taken that the limitations narrowed by this claim are considered obvious and furthermore a matter of design choice.

At the time of the invention, it would have been obvious to a person of ordinary skill to the art to indicate the range of the IP address

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The suggest/motion for doing so would have been Inoue indicate the use of dynamically usage of IP address (refer to Title), and by choosing the IP addresses class range between B-E is because it is much more commercially recognized due to the cheaper cost of maintenance.

3. Referring to Claim 26, Inoue indicates the analysis being performed (refer to Col 14, Lines 33-67 and Col 15, Lines 1-55)

Inoue does not expressly indicate the analysis is using the moving weighted mean average.

Comer indicates moving weighted mean average (refer to Pg 237).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate moving weighted mean average function with their analysis.

The suggestion and motivation would have been that provide more accurate result/outcome for any random function such as selecting/allocating addresses.

4. Referring to Claim 27, Inoue indicates the analysis being performed (refer to Col 14, Lines 33-67 and Col 15, Lines 1-55). Inoue indicates the user group (refer to Col 2, Lines 1-25).

Comer wherein said moving weighted average comprises the steps of: recording an average number of requests from hosts in each user group; and computing an average number of total IP addresses over a suitable fixed period of time (definition of moving weighted mean average, refer to Pg 237).

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate moving weighted mean average function with their analysis.

The suggestion and motivation would have been that provide more accurate result/outcome for any random function such as selecting/allocating addresses.

5. Referring to Claim 28, Inoue discloses wherein said suitable fixed period of time (refer to Col 10, Lines 50-67) is approximately 10 minutes.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

X. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al hereinafter Inoue (US 6,510,153) in view of "Official Notice".

1. Referring to Claim 20, Inoue does not expressly indicates the predetermined byte-code represents a decimal number in a range of 128-254.

Official Notice is taken that the limitations narrowed by this claim is consider obvious and furthermore a matter of design choice.

At the time of the invention, it would have been obvious to a person of ordinary skill to the art to indicate the range of the IP address

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The suggest/motion for doing so would have been Inoue indicate the use of dynamically usage of IP address (refer to Title), and by choosing the IP addresses class range between B-E is because it is much more commercially recognized due to the cheaper cost of maintenance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ZARNI MAUNG
SUPERVISORY PATENT EXAMINER

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